

ORDINANCE NO. 09-336

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LOS ALTOS AMENDING CHAPTERS 14.28, 14.30 AND 14.52 OF THE
MUNICIPAL CODE PERTAINING TO DEFINING SPECIFIC REQUIREMENTS FOR
AFFORDABLE HOUSING UNITS, MODIFYING THE DENSITY BONUS REGULATIONS AND
REMOVING THE AFFORDABLE HOUSING/MIXED-USE OVERLAY DISTRICT

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1: AMENDMENT OF CODE: Chapter 14.28 of the Los Altos Municipal Code called Multiple-Family Affordable Housing is repealed and replaced with the following:

14.28.010 Applicability.

14.28.020 Definitions.

14.28.030 General requirements.

14.28.040 Density bonuses and incentives.

14.28.010 Applicability.

This chapter applies to all new multiple-family residential projects and mixed-use projects.

14.28.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words or phrases used in this chapter are defined as follows:

- A. "Affordable housing unit" means an ownership or rental dwelling unit affordable to households with extremely-low, very-low, low or moderate incomes as published periodically by the California Department of Housing and Community Development for households in Santa Clara County or equivalent as approved by the Community Development Director. Calculations for the required affordable housing resulting in fractional units shall be rounded up to the next whole number.
- B. "Dwelling unit" means a dwelling designed and intended for occupancy by a household.
- C. "Multiple-family residential projects" as applied in this chapter means all residential projects exceeding four units per acre and all mixed-use projects.
- D. "Project" means the entire parcel of real property, including all structures thereon, all or part of which is intended to be rented or purchased for residential purposes.

14.28.030 General requirements.

The following provisions shall apply to all multiple-family residential projects:

- A. One to four units. Affordable housing units are not required.
- B. Five to nine units. Affordable housing units are required. In the event that the developer can demonstrate to the satisfaction of the city council that providing affordable housing units in a project will be financially infeasible, the city council may waive the requirement to provide affordable housing units.
- C. Ten units or more. Affordable housing units are required.
- D. For multiple-family residential projects where affordable housing units are required, the following minimum percentage of units shall be provided.
 - 1. Rental units. Fifteen (15) percent low income or ten (10) percent very-low income housing.
 - 2. Owner units. Ten (10) percent moderate income housing.
- E. Notwithstanding Section 14.28.030 (D) in projects containing more than 10 units and when more than one affordable unit is required at least one affordable unit must be provided at the low income level.

F. Unless otherwise approved by the city council, all affordable units in a project shall be constructed concurrently with market rate units, shall be dispersed throughout the project, and shall not be significantly distinguishable by design, construction or materials.

G. Any tentative map, use permit, PUD, design application or special development permit approved for multiple-family residential construction projects meeting the foregoing criteria shall contain sufficient conditions of approval to ensure compliance with the provisions of this chapter.

14.28.040 Density bonuses and development incentives.

In order to promote the construction of affordable units, density bonuses and development incentives including, but not limited to, modified zoning district development standards, fast-tracking and/or fee waivers shall be granted pursuant to the provisions of Chapter 4.3, Section 65915, of the California Government Code, Density Bonus and Other Incentives, and any amendments hereto, such provisions shall be incorporated by reference into this chapter.

SECTION 2. AMENDMENT OF CODE: Chapter 14.30 of the Los Altos Municipal Code called Density Bonus Regulations is repealed.

SECTION 3. AMENDMENT OF CODE: Chapter 14.52 of the Los Altos Municipal Code called Affordable Housing Mixed-use Overlay District is repealed.

SECTION 4. ENVIRONMENTAL ANALYSIS. The amended zoning regulations set forth herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines there under, and Council finds that it can be seen with certainty that there are no significant environmental impacts on the environment resulting from these amendments and said amendments are therefore exempt from the requirements of the CEQA.

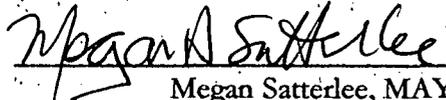
SECTION 5. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 6. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon the commencement of the thirty-first day following the date the adopted ordinance is attested by the City Clerk.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on April 23, 2009 and was thereafter, at a regular meeting held on April 28, 2009 passed and adopted by the following vote:

AYES: PACKARD, CARPENTER, BECKER, CASAS, SATTERLEE
NOES: NONE
ABSENT: NONE


Megan Satterlee, MAYOR

ATTEST:

Susan Kitchens, CITY CLERK

Date: May 18, 2009